IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2071 OF 1990

Ganpati Balu Salokhe & Ors..... .. ..Petitioners.

Versus

State of Maharashtra & Ors... ....Respondents.

Mr. D. S. Sawant for the Petitioners.

Mr. S.M.Kamble for Respondent No.3.

Mr. N.P.Deshpande, AGP for Respondent Nos.1 & 2.

CORAM : DALVEER BHANDARI, C.J. &

S. A. BOBDE, J.

DATED : JANUARY 10, 2005.

P.C.:

1. By this writ petition, the petitioners, who are holders of Inam lands bearing Survey Nos. 731, 720, 1033-A, 732/1 and

732/7,8 situated at Kasba Karvir, Taluka Karvir, Dist. Kolhapur, has challenged the order dated 18th December, 1989. By the impugned order, respondent No.2 has rejected permission to convert the petitioners' lands for non-agricultural purposes. The petitioners have also sought a direction to the respondents to issue necessary permission for conversion of lands bearing Survey No. 730 and 720 situated at Kolhapur.

2. Having heard the learned Counsel for the parties and having perused the relevant orders, we find no merit in this petition. The petitioners applied for permission to convert the use of their land for non-agricultural purposes after a scheme was sanctioned in respect of the said land. It appears that the petitioners' application for conversion of their lands for non-agricultural purposes has been rejected because the petitioners were not willing to pay 50% amount of Nazarana charges. The affidavit in reply to the petition, which is uncontroverted, makes a clear assertion that the lands in respect of which the aforesaid permission has

been rejected was regranted to the petitioners under the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955. Amongst others, the Kabulayat read with Section 7 sub clause 3 of the aforesaid Act imposes a condition that if the land is or intended to be used for any purpose other than the agriculture, the Government has decided the amount to be charged should be equal to 50% of the market value of the land. It is the respondents' case that the petitioners are being charged the amount in accordance with the Government Circular dated 1st August, 1955, on the basis of a ready-reckoner prepared by the Government in respect of the areas within the limits of Kolhapur Municipal Corporation.

3. Having regard to the fact that the matter has been dealt with in terms of the Kabuliyat and the provisions of law and the assessment has been made on the basis of a ready reckoner, we see no error in the rejection of the permission sought by the petitioners. This writ petition is, therefore, dismissed. Rule discharged.

4. The petitioners shall be at liberty to make a fresh application for conversion of lands for non-agricultural purposes in accordance with the law.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.